



ASIAN HUMAN RIGHTS COMMISSION

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AHRC HUMAN RIGHTS DAY STATEMENT

Effective Remedies Are Ineffective in Asia **Governments Ignore** **U.N. Human Rights Conventions and Domestic Laws**

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1. INTRODUCTION

More than half of humanity lives in Asia. Among all the peoples of the continent, there is a new awakening, an awakening of people regarding their dignity and their rights. Since most people in Asia are poor, this new awakening of their dignity has far-reaching implications for all aspects of Asia's economies, societies and cultures. The one-time submissiveness among the region's peoples, sometimes described even as a cultural value, is rapidly disappearing. People, particularly the young, claim their dignity and rights as their birthright. All cultural and religious doctrines of inequality by birth are being rejected and strongly resisted. This is so for **women**, who mostly have suffered inhumane restrictions and deprivations in traditional Asia. Such fierce resistance also exists among the Untouchables, or **Dalits**, and "low-caste" people who have been subjected to the most wretched forms of discrimination in **India** in particular as well as other South Asian countries and even **Japan**. The **indigenous peoples** and **minority groups** of many countries of Asia are demanding their equal place as well.

Meanwhile, Asia as a whole is also demanding equality of treatment and respect for their rights before the international community. The past and present unfair economic and trade practices that have impoverished the countries of Asia and its people are resented and opposed. Debate on rights relating to development and the elimination of policies and practices that increase poverty and misery are very much part of Asia's discussions on the issue of development. That poverty is not a product of fate, a lack of luck or is self-induced through incapacity or a lack of initiative and is, in fact, a result of injustice has become a widely accepted premise in the Asian debate on economic, social and cultural rights.

This vast awakening among the ordinary people of Asia, however, has not been reflected in the initiatives of Asia's governments relating to human rights, democracy and development. Despite becoming parties to U.N. treaties on human rights, the most blatant forms of violations are regularly occurring within the region with impunity. The Asian Human Rights Commission (AHRC) sets out below some of the serious concerns relating to a number of countries in Asia.

2. COMMUNAL VIOLENCE

The horrendous violence unleashed in 2002 in the Indian state of **Gujarat**, which killed more than 2,000 people, remains a sad illustration of the bleak human rights situation in **India**. The pogrom-like operation in Gujarat has been described as “a ghastly sight, the likes of which since the bleeding partition days no Indian eye has seen, no Indian heart has conceived and of which no Indian tongue could adequately tell,” according to a report into the barbarity by the Concerned Citizens Tribunal-Gujarat 2002.

Careful studies have converged in agreement on the role of the State, particularly the administration in Gujarat led by Chief Minister Narendra Modi, and the Indian police in this event with the political and police failures to intervene to prevent and stop the carnage, rape, looting, destruction of property and mass displacement of people. However, despite condemnation in India itself and beyond its borders, the government of India and the Gujarat state government have failed to respond to the grave crimes committed in Gujarat and instead have resorted to denial.

As a result of the atrocities in Gujarat, India’s image as a secular nation has been severely tarnished, and communalism has emerged as an agent that can be manipulated to release massive violence. Although the outpouring of violence was eventually brought under control—only after many people had been killed or injured and a great deal of property damage had been done—the Indian government has failed to convince the nation and the international community that it is willing, or able, to bring communalism under control. In fact, subsequent events, including the election campaign in Gujarat, suggest that communalism in India remains like an active volcano that can erupt at any moment. Maintaining such a state of uncertainty is advantageous to the achievement of the political aims of some groups who benefit from a chaotic environment and who fear the rule of law and stability as being seriously disadvantageous to their objectives. AHRC draws the attention of the world community to this underlying, but prevailing, violent atmosphere in India and calls for a more serious approach to be adopted to these massive violations of rights in South Asia’s largest country.

AHRC furthermore endorses the detailed recommendations of the Concerned Citizens Tribunal-Gujarat 2002 that have been published in *Crime against Humanity: An Inquiry into the Carnage in Gujarat*. This People’s Tribunal was led by such eminent jurists as Justice V. R. Krishna Iyer, Justice P. B. Sawant (both retired Supreme Court judges), Justice H. Suresh (retired judge of the Mumbai High Court) and several other eminent Indians. AHRC particularly endorses the call of this People’s Tribunal for an international inquiry into the gross human rights violations committed in Gujarat. Bringing this call to the attention of the international community, AHRC urges the United Nations and all state parties to respond to this call. We also urge all people’s organisations throughout the world to keep vigil until justice is done to the people whose rights were brutally violated in Gujarat.

3. DISCRIMINATION BASED ON CASTE AND GENDER

3.1 Caste-Based Discrimination

India in particular and South Asia in general is also afflicted by caste-based discrimination. Approximately 260 million people in South Asia—a population larger than most countries—are designated as **Dalits** who suffer from constant discrimination and violence on the basis of work and their descent. Deemed “polluted” and “impure,” the “untouchability” of Dalits routinely deprives them of entry into places of worship, participation in religious festivals and access to drinking water, restaurants and other public places. Moreover, they are assigned to menial and degrading occupations presenting severe health risks, such as cleaning toilets by hand, skinning and disposing of dead animals and digging graves. Further discrimination includes the segregation of housing settlements and cemeteries and other apartheid-like practices that have effectively and systemically sought to destroy the identity, dignity and self-respect of the Dalit people.

3.2 Gender-Based Inequality

Dalit women suffer an additional layer of discrimination and violence on the basis of their gender by people of higher castes and within their own community. The extreme vulnerability of Dalit women stems from the precariousness of their economic, social and political positions, which are reflected in a number of socio-economic indicators: literacy rates of only 12 percent and 7 percent for Dalit women in India and **Nepal** respectively, a low life expectancy of 50 years (some organisations claim it is as low as 42 years), a high infant mortality rate of 90 per 1,000 births, a high fertility rate of 5.19 and generally poor health.

On a daily basis, Dalit women are violated and victimised. They are assaulted while performing such chores as fetching water from public wells, are not accepted into the higher caste families into which they marry and are subjected to the sexual desires of higher caste landlords. Reportedly, three Dalit women are raped every day.

Dalit women and girls are further exploited sexually through the traditional, pseudo-religious Devadasi practice of dedicating pre-pubescent girls to a deity or temple. These girls are forbidden to marry or work outside of the temple and live out their lives in sexual servitude.

Dalit women also suffer from economic exploitation in the workplace. The small number who manage to secure jobs in carpet factories, hotels and government offices are often subjected to harassment and sexual abuse. The majority of Dalit women though are consigned to doing the most difficult and least desirable occupations, such as cleaning public toilets. Other Dalit women are the victims of trafficking and work as sex slaves in brothels.

In spite of India and Nepal’s ratification of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as well as domestic laws to eradicate discrimination against Dalit women, they remain enslaved within a social system that ignores their rights as human beings. The lack of implementation of these U.N. conventions and enforcement of their own laws indicate that the Indian and

Nepalese authorities find them to be irrelevant, reflecting serious shortcomings in international human rights mechanisms and the legal systems of these countries.

Asia's women also suffer in other ways. Within the last five years, **acid attacks** on women, especially in **Bangladesh**, have been occurring at an alarmingly growing rate. The use of acid against women stands out as one of the cruellest and most despicable forms of violence employed against women in Asia today.

Although the exact number of acid attacks against women is difficult to document because many of the cases go unreported due to the victims fearing reprisals from their attackers, 47 cases were reported in 1996, according to the Bangladeshi Acid Survivor's Foundation, with the figure jumping dramatically to 130 in 1997 and 200 in 1998. Reasons reported for acid-throwing attacks include refusing an offer of marriage, rejecting a man's advances, dowry disputes, domestic fights, disputes over property and even a delayed meal.

Sulphuric acid, the inexpensive ingredient for making lead acid batteries in motorised vehicles, is the weapon of choice. The physical effects of its use are hideous. It melts away skin and muscle and can dissolve bones. Many victims have lost their sight in one or both eyes. The scarring and disfigurement is permanent.

In addition to the immense physical pain acid attacks inflict on women, the victims also suffer from a lifetime of stigmatisation. The consequences include a loss of self-esteem and an inability to study or work. It is unlikely that a burned woman will ever marry, dramatically affecting her life economically and socially. The victim may also face rejection from her own family and is expected to live in a state of shame, hiding her disfigurement with a veil and retreating to social isolation.

Although the victims of acid attacks range in age, many of the women are teenagers from poor families. Some of them are as young as 11 years old. Few of the victims or their families can afford the extensive surgery needed to repair the damage. Furthermore, medical care available for victims is extremely limited in Bangladesh. Dhaka Medical College Hospital is one of the few public hospitals in the country that has a burn unit. The hospital has only eight beds for female patients and is lacking in modern equipment, trained nurses and even clean sheets. The patients are all bathed in the same bathtubs.

These atrocities take place against women in Bangladesh even though the government ratified CEDAW nearly 20 years ago and legislation was passed in 1983 making acid-throwing a capital offence and mandating sentences of seven to 12 years in prison. According to the Bangladesh National Women Lawyers Association and the Bangladeshi Acid Survivor's Foundation, only 10 percent of attackers are ever brought to trial. Sadly, the country's women will continue to suffer until Bangladesh, whose two leading politicians are ironically women—Prime Minister Begum Khaleda Zia and opposition leader Sheikh Hasina—take its international commitments and legal obligations seriously.

Another issue afflicting Bangladesh's women as well as its children is **imprisonment without being convicted of any crime**. While **Bangladesh** has acceded to the ICCPR and the Convention on the Rights of the Child (CRC) that forbid arbitrary arrests and

detentions, several of Bangladesh's laws contradict these international treaties. The Children's Act of 1974, for instance, provides for the custody of destitute and neglected children, even those who have committed no crimes, and the Special Powers Act (SPA) enacted in the same year allows authorities to detain any person without a warrant or with a magistrate's permission—mere suspicion is a satisfactory cause. Although detention under the SPA should last no longer than one month, indefinite detention is common.

Reportedly, 1,000 to 1,200 children below the age of 18 were languishing in 65 jails across the nation last year, and 350 women are in "safe custody" prisons. The laws that provide for "safe custody" are usually employed as a means of "protection" for women and children who are the victims of crimes or circumstances that leave them with no place to go. These victims are collected by police and taken to prison presumably for their own good. However, the uneducated and the poor are more likely to be subjected to "safe custody," such as illiterate women unable to give a home address or young boys rendered homeless by their families' poverty. Others include girls marrying outside of their religious community or against their parents' will, destitute women forced from their homes due to domestic violence, victims of trafficking and lost or mentally disabled children.

"Safe custody," however, is a misnomer as women and children endure conditions that are anything but "safe," for Bangladeshi prisons are notoriously overcrowded and lacking in proper food, ventilation, health care and clothing. There are also no provisions for recreation or education. Moreover, the women and children put into "safe custody" are not segregated from the general prison population nor are they necessarily separated by sex. Thus, women may live among male prisoners, and innocent children may find themselves sharing cells with convicted, hardened criminals. At times, the women and children who are put in prison for their own safety ironically find themselves kept in the same jail as the perpetrators of the crimes against them. The women and children also may be physically and sexually abused and even killed by the prison guards or other inmates.

4. UNPROTECTED REFUGEES

Another human rights issue within Bangladesh's borders that has been unresolved for more than 10 years has been created by its neighbour, **Burma**. In 1991 and 1992, more than 250,000 Rohingya Muslims fled violence, confiscation of their land, religious intolerance and forced labour in Burma for the safety of **Bangladesh**. Today more than 21,000 **Rohingya refugees** still remain in two camps in Bangladesh where they are now not wanted by a Bangladeshi government that is unable or unwilling to assist them.

Inside the camps, the Rohingyas suffer from inadequate quantities of food, resulting in malnutrition for more than half of the refugee population. In addition, the refugees have limited educational opportunities and are not permitted to work, creating boredom and sapping people of their dignity and life of its meaning. For women and girls who fled Burma because of rape and other forms of sexual violence, they still find themselves at risk of rape in the camps and even abduction and trafficking to other countries, such as **Pakistan**. The Bangladeshi government, moreover, has no

intention of improving conditions in the camps as it perceives any improvements as a catalyst for more refugees.

Thus, unwelcomed in Bangladesh, facing repression in Burma and with few other countries willing to accept them, the lives of the Rohingyas are imprisoned in poverty and an uncertain future. The ultimate solution is the resolution of the massive human rights abuses taking place in Burma. Meanwhile, the international community has a responsibility to assist the Bangladeshi government and the United Nations High Commissioner for Refugees (UNHCR) to care for the Rohingya people.

Meanwhile, the fate of the 100,000 **Bhutanese refugees** in the seven refugee camps in **Nepal** remains uncertain even after a decade of bilateral discussions between Nepal and **Bhutan**. Though a signatory to the CERD, the government of Bhutan since the late 1980s has taken measures to ethnically cleanse the Nepali-speaking Bhutanese, known as Lhtoshampas, from the country. The 1985 Citizenship Act, which retroactively narrowed Bhutanese citizenship requirements, and other legislation in Bhutan mandating national assimilation of the dress code and traditions of its king and ruling Ngalong ethnic group were enacted. Those who objected were deemed to be “anti-national.” Evidence shows that threats, coercion, torture, rape and harassment were used to make many Lhtoshampas leave Bhutan. Some were forced to sign voluntary migration forms (VMF) which the government denies.

Though the international community addressed the ethnic cleansing in Kosovo, little has been done to resolve the plight of the Bhutanese refugees. International government donor agencies have continued to pour resources into Bhutan, for example, and only a handful of non-governmental organisations (NGOs) and governments have sought to place needed pressure on the governments of Bhutan and Nepal.

After little activity since the first bilateral discussions between Nepal and Bhutan in 1993, the repatriation process seemed to have gained some momentum with the agreement to establish the Joint Verification Team (JVT), but it is again presently static. Interviews that began on March 16, 2001, in Khudunabari, the least populated of the seven camps, ended on Dec. 14, 2001. Although measures were taken to accelerate the process at the 11th bilateral talks in August 2001, it was estimated that six to 10 years would be necessary for all refugees to be verified. However, neither the status of the refugees nor by what equation one would be deemed Bhutanese were given. Furthermore, the JVT took no action to proceed to complete the verification of the six remaining camps, leaving approximately 88 percent, or 89,100 people, yet to be verified. The 12th bilateral talks are still pending as the governments of Nepal and Bhutan continue their 10-year debate about who should be categorised as Bhutanese. The fears of refugees and NGOs that the verification process is a façade with no lasting political solution and no eventual repatriation are being justified, for thus far no measures have been taken to discuss the repatriation procedures and the conditions to which the refugees will return. There are reports that the Bhutanese government has pillaged the homes and villages of the refugees, only to repopulate them with Bhutanese from other parts of the country.

Sadly, for more than a decade, the dignity and livelihood of the Bhutanese refugees have been violated; and though refugee status by its very nature is supposed to be

temporary, refugee life has become systematised and institutionalised. For 10 years, they have queued for their rationing of food and clothing and are prohibited from working. Movement to and from the camps is restricted; and due to donor drain, educational opportunities for the youth have been curtailed. The bleakness of ever being repatriated has led some to consider violence.

Furthermore, safety within the camps is not a given. UNHCR, the international protector of refugees, has ignored for two years reports of sexual abuse in the camps. Only after a November 2002 article in the *Kathmandu Post* did UNCHR investigate and admit that 16 UNCHR officials were guilty of committing sexual violence against Bhutanese refugee women and children.

Meanwhile, within Bhutan's borders, discrimination against the Lhotshampas continues. Civil servants who have relatives in refugee camps have been forced to retire, and the Lhotshampas continue to be harassed. Although Bhutan is party to the CRC and is obligated not to discriminate against children based on ethnicity or descent, in June 2001, the U.N. CRC Committee expressed concern because Lhotshampas children received *de facto* discrimination in access to education and services.

UHCR and the international community must take positive steps to ensure the rights of the Bhutanese refugees are respected by placing pressure on the government of Bhutan for a speedy and proper repatriation of its citizens and the eradication of discrimination against the Lhotshampas people. In addition, the international community can also seek to ensure that the new Constitution of Bhutan, which is now being drafted, contains provisions that guarantee people's fundamental human rights, irrespective of ethnicity.

5. WAR AND RIGHTS

5.1 Kashmir

Kashmir, like the partition of the Indian subcontinent, was divided in 1947. The inability to decide after more than 50 years the sovereignty of Kashmir poses the greatest threat to peace in South Asia today. Since 1989, fighting has been chosen as the violent means of arbitration. While most of the world focuses on the claims of **India** and **Pakistan** to Kashmir, lost in the nationalistic posturing is the voice of the divided Kashmiri people and their views about the outcome they desire, i.e., to be part of India, to be part of Pakistan or to be an independent nation.

Lost as well has been a respect for human rights by all parties involved in the conflict; for in both occupied parts of Kashmir, basic rights, such as the right of self-determination, freedom of movement, freedom of speech and freedom of association, are openly violated and denied to Kashmiris. The rationale provided thus far is the need to defend the sovereignty of India and Pakistan and concerns of Islamabad and Delhi for public order in Kashmir. In Pakistani-administrated Kashmir, such concerns are addressed by Section 144 of the Criminal Procedure Code and Maintenance of Public Order Act while they are met in Indian-administrated Kashmir by the Public Safety Act and Prevention of Terrorism Act (POTA). These are powerful legal

weapons granted to the police and security forces of both countries to violate the basic human rights of the Kashmiri people.

Since 1989, the wave of violence in Kashmir on both sides of the Line of Control (LOC) has claimed the lives of more than 50,000 innocent human beings and has created more than 200,000 refugees and internally displaced people. The escalating tensions between South Asia's two nuclear rivals have limited the protection and security of the Kashmiri people. Therefore, a peaceful environment within Kashmir is needed to protect and promote human rights and to resolve the issue of Kashmir—a goal toward which the international community must work in order to redirect the energies of the subcontinent into activities that enrich life rather than take it.

5.2 Nepal

The people of **Nepal** are experiencing national chaos and confusion created by a civil war and threats to its democratic political institutions and people's human rights. Cleavages appeared in the country and human rights began deteriorating in 1996 with the declaration of the People's War by the Communist Party of Nepal-Maoist (CPN-Maoist) whose aim is to topple the monarchy and establish a communist state. This national disintegrating process has accelerated since the Maoists broke a ceasefire agreement with the government in November 2001 and the government responded with a state of emergency. Human rights have been a major casualty of the conflict as civilians have been abducted, tortured and extrajudicially executed. Since 1996, more than 7,000 people have been killed by both the Maoists and government forces. This figure is unfortunately likely to rise in the future as the government has sought and received military assistance from **India** and the **United States**. Thus, an initial step that the international community can take toward breaking the cycle of violence is to oppose the transfer of military equipment and expertise to Nepal and to support the initiatives that are now being taken by the two warring parties to sign another ceasefire agreement.

6. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

6.1 HIV/AIDS

The response to date in Asia to **HIV/AIDS** has resulted in another major neglect of rights. **China** and **India**, two of the most populous countries in the world, have witnessed the spread of the disease to frightening proportions. Several other countries in the region, particularly **Cambodia**, also face a serious HIV/AIDS crisis. A culture of denial is harmful in dealing with such a major human health problem. Publicity to promote prevention is also currently insufficient. It is essential that funds are made available for effective treatment. In a continent where the majority of people live in poverty, it is not possible for most patients to bear the cost of the medicine they need. Governments and U.N. agencies must intervene to ensure that this medicine is available. Dealing with medical cooperation on this issue is a great moral and legal obligation that has to be faced without delay. Shame lies not in admitting the problem but in doing little or nothing about it. It is the duty of the human rights movement in particular to make greater efforts to keep this issue constantly among the public debate.

6.2 Laos

Largely forgotten in Asia and the world is the suffering of the people of **Laos**. Not only are the Lao people's civil and political rights repressed by a one-party state that refuses to allow dissent, but their economic and social rights are not adequately met in one of the world's poorest countries with an annual per capita income of barely US\$300. With Asia's second highest illiteracy rate after **Cambodia**, it is unlikely that the country will be able to pull itself from the depths of poverty soon, especially with schools that are dilapidated and overcrowded, teachers that are poorly trained and underpaid, or sometimes not paid at all. Consequently, few Lao children will ever attend high school, let alone attain a university education. Meanwhile, job opportunities in the country are scarce, and thus, the majority of the population farms with most peasants just barely making enough money to support their families. As a result, the country's poorest mountain people cultivate opium to supplement their income which is otherwise insufficient to see them through the year. The people's poverty also makes the youth of Laos susceptible to human traffickers.

In addition to enduring poverty, the Lao people must also tolerate widespread corruption and the intolerance of the authorities, for they are detained solely for expressing their peaceful political beliefs. Detainees have been held in isolation for years in remote parts of the country and denied regular contact with their families as well as inadequate food and medical care. Their suffering has persistently been denied by the Lao authorities, but no independent human rights monitors have been permitted to visit Laos.

7. SECURITY LAWS

In the aftermath of Sept. 11 last year, there is a widespread tendency throughout the world to promote draconian **security laws** that can cripple functioning democratic institutions. The experience of many Asian countries—**Indonesia, Singapore, Malaysia, India, Pakistan, Sri Lanka, Nepal, Bangladesh** and others during the last 40 years—demonstrates that the laws promulgated in the name of national security have eaten into the very core of democratic institutions and have caused them harm that is difficult to repair. The particular institutions that are susceptible to degeneration are the police, prosecution system and judiciary. Once the institutional safeguards against the police are removed through “security” laws, the door is open for many evils, such as corruption and the arbitrary use of power. Promises by the authorities that these “security” measures will be used sparingly are untrustworthy as has been proven by the experiences in countries throughout Asia for many years. It is in this spirit that AHRC has critiqued the proposals of the **Hong Kong** government to enact legislation under Article 23 of the Basic Law, Hong Kong's mini-Constitution, against treason, subversion, secession, sedition and the theft of state secrets.

7.1 Singapore

One of the most sophisticated and subtle uses of the law to negate democratic checks and balances and human rights in Asia is found in **Singapore** where the law continues to be employed to obstruct people's freedoms rather than protect them. This misuse of the law in the city-state is evident by the arrest of opposition politician Dr. Chee Soon Juan, the secretary-general of the Singapore Democratic Party (SDP), and Ghandi

Amablam, an SDP executive committee member, on May 1, 2002, for holding a Labour Day demonstration for the rights of workers outside the gates of the presidential palace without a police permit as required under the Public Entertainments and Meetings Act (PEMA). The police cited potential law and order problems for refusing to grant the permit. After being found guilty on Oct. 9, Chee and Amablam chose to go to jail rather than pay their fines to underline the unjust nature of Singapore's laws. Another weapon in the government's legal arsenal is the Internal Security Act (ISA) used to deny Singapore's people their political rights by permitting detentions without trial for up to two years, a period of detention which can be renewed indefinitely every two years. Thus, through the use of the law, the government of Singapore has been able to suppress dissent and ensure that the ruling People's Action Party (PAP) continues in power in what has been, in essence, a one-party state for more than four decades.

7.2 Malaysia

In neighbouring **Malaysia**, an essentially similar draconian ISA is in place under which five political activists have been kept in prison for almost 20 months under allegations of attempting to overthrow the government with the use of force. The government, however, has not produced any evidence to prove these charges.

On Sept. 6, 2002, on the basis of the facts contained in the affidavits of the detainees regarding their interrogations by the police, a four-member Federal Court ruled that their initial 60-day detention under Section 73 of the ISA was unlawful. The four judges unanimously agreed that the police had failed to prove that the detainees had committed, or may have committed, activities prejudicial to national security and thus ordered the immediate release of the detainees. Although the judges did not go as far as to order the release of the detainees, the government was still so upset by the possibility of an independent judgement of the court that it promptly amended the ISA, forbidding the submission of such affidavits as evidence in future *habeas corpus* hearings. In this way, the executive wields power over the judiciary, illustrating the absolutely undemocratic nature of such national security legislation.

8. TORTURE

AHRC also wants to draw attention to the endemic use of torture in most Asian countries. Of particular concern is the prevalence of the practice in **Sri Lanka**. The use of torture in Sri Lanka is an ingrained habit within the military and criminal investigations of the police. AHRC's sister organisation, the Asian Legal Resource Centre (ALRC), published an extensive report on Oct. 3 this year reporting 22 torture cases affecting 38 people who have suffered the cruellest infliction of pain during criminal investigations for mostly petty crimes. The victims, moreover, were innocent of the crime. Shortly thereafter one man, L. H. Lal, was tortured to death by the police and prison officers. His alleged crime was stealing bananas worth 300 rupees (US\$3.50). The ALRC report analysed the cause of torture in the country as the degeneration of the policing system for many reasons, including the use of police officers for torture, disappearances and extrajudicial killings. Furthermore, the degeneration of state institutions has a direct bearing in breaking the morale of society. Sri Lanka's suicide rate, for instance, now ranks as the highest in the world with 55.67 suicides per 100,000 people, which translates into an average of 23

suicides a day. These issues need a response from the international community if they are to be resolved. The peace talks and ceasefire that now offer the possibility to extricate the country from the prolonged violence of its ethnic issue provide an opportunity to deal with these deeper problems affecting everyone in the country.

9. CHILDREN

Sadly, **children** have not been immune from the violence described above in **Nepal** as 100 children have been killed, 1,500 have been orphaned and 3,000 have been displaced. Moreover, the Maoists have been blamed for using children in the remote battle zones as porters, messengers and even on the frontlines. The use of child soldiers has been reported in other parts of Asia as well with the highest numbers recorded in **Burma, Sri Lanka** and **Afghanistan**. Apart from the use of child soldiers, Asia is also host to an ever-growing number of other abuses affecting children's rights, such as child prostitution and trafficking, child labour, acid attacks on children, honour killings, rape, etc. The cause of all these problems is commonly associated with rampant poverty and underdevelopment. However, many countries in Asia today are some of the fastest growing economies in the world and are attractive destinations for foreign investors. Governments in Asia must cease using poverty and other rationales as a justification for child abuse. The voice of the international community has long been tempered by these explanations, but it is now time to hold Asia's governments responsible for the continuing abuses that children face every day in the region.

10. INSTITUTIONAL CONFUSION: SOLDIERS FUNCTION AS POLICE OFFICERS

In **Bangladesh**, Prime Minister Begum Khaleda Zia launched Operation Clean Heart on Oct. 18, 2002, through an executive order that empowered the military to usurp the law enforcement function in the country from the police. The result though has been serious human rights violations, not law and order, with reportedly at least 26 deaths in custody, extrajudicial killings, the creation of an atmosphere of fear and a further erosion of the people's faith in the police. Moreover, Operation Clean Heart has been implemented in a cloak of secrecy: no one knows the mandate given to the military in the executive order, the number of people arrested, where they are being held, what are the charges, how long they will be held nor when Operation Clean Heart will end.

It is believed that the military operation is a response to the general lawlessness and corruption in the country that have been spawned by the failure of successive governments to reform the police, prosecution system and judiciary to provide an effective remedy when people's rights have been denied. Indeed, instead of reforming these institutions, successive governments and the country's political parties have used the police for their own narrow political interests and have fostered corruption within Bangladesh's law enforcement agencies.

Thus, employing the military to restore law and order without addressing the need to create professional police officers who are free from political interference and corrupting influences will only lead to more lawlessness and human rights abuses. What is needed is the commitment of the government to establish the rule of law in the country. Civil society inside and outside of the country has a role to play in

ensuring that the rule of law is institutionalised and embedded in Bangladeshi society through promoting the framework of a legal system that impartially renders justice, i.e., through fair trials, the presumption of innocence, the right to legal representation, the prohibition of torture and other values of a legal system based on the rule of law.

11. CONCLUSION

Human Rights Day this year must be an occasion to renew the resolve to face up to difficult challenges if the promotion and protection of human rights are to be a reality in Asia. The main initiative in this endeavour, however, must be by the people themselves. An exuberant human rights movement of the people, committed to the people's welfare and relying mainly on its own strength, can make the difference. The ordinary people's sense of dignity and their commitment to assert their rights is the only ground on which human rights, democracy and people-oriented development can take place.